

Message Text

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ACTION VO-03

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FM AMEMBASSY PANAMA

TO SECSTATE WASHDC PRIORITY 8751

UNCLAS PANAMA 5605

EO 11652: N/A

TAGS: CVIS, PN

SUBJECT: ILLEGITIMATE CHILDREN OF FATHERS UNDER SECTION
101(B)(1)(B)INA.

REF: STATE 188437

1. EMBASSY HAS HAD ESTIMATED FIVE CASES OF TYPE DESCRIBED IN
PARA. 4 OF REFTEL ALTHOUGH WE HAVE HAD ALMOST 200 CASES OF STEP-
CHILDREN (IR-2) WHOSE STATUS WAS CREATED BY MARRIAGE OF NATURAL
MOTHER TO U.S. CITIZEN FATHER.

2. PANAMA HAS A RATHER UNIQUE LAW WHICH DOES NOT RECOGNIZE
ILLEGITIMACY. ALL CHILDREN BORN IN PANAMA ARE LEGITIMATE WHETHER
BORN IN OR OUT OF WEDLOCK OR WHETHER OR NOT RECOGNIZED BY FATHER.
NATURAL FATHER MAY RECOGNIZE PATERNITY OF CHILD BY PERSONALLY
REGISTERING CHILD AT CIVIL REGISTRY OR BY MAKING A SWORN STATEMENT
REGARDING PATERNITY BEFORE A COMPETENT COURT IN PANAMA, WE HAVE
NOT FOUND ANY EVIDENCE OF FRAUD IN CASES ADJUDICATED.

3. GREAT POTENTIAL FRAUD EXISTS, HOWEVER, SINCE NEITHER CIVIL
REGISTRY OR COURT REQUIRES ANY CORROBORATING DOCUMENTATION
WITH DECLARATION OF PATERNITY. SINCE AT LEAST 60 PERCENT OF ALL
CHILDREN BORN IN PANAMA ARE BORN OUT OF WEDLOCK WE FORSEE
POTENTIAL PROBLEM OF SOME MAGNITUDE, IN EVENT AMENDMENT IS
PASSED.

4. WE SUGGEST THAT FATHER AT LEAST BE REQUIRED TO NOT ONLY
OBTAIN RECORD OF HIS ESTABLISHING PATERNITY UNDER LOCAL LAW BUT
THAT HE BE REQUIRED TO SUBMIT: (1) A SWORN DECLARATION OF
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PATERNITY (2) A DECLARATION BY THE NATURAL MOTHER THAT HE IS

FATHER OF CHILD AND (3) SOME REASONABLE PROOF THAT HE WAS PHYSICALLY PRESENT IN PANAMA DURING PERIOD IN WHICH CHILD WAS CONCEIVED.

5. EMBASSY ADJUDICATES NUMEROUS SIMILAR CASES MONTHLY OF US MILITARY PERSONNEL WHO WISH TO ESTABLISH PATERNITY OF CHILDREN FOR PURPOSES OF U.S. CITIZENSHIP. WE REQUIRE DOCUMENTATION AS LISTED IN PARA. 4 ABOVE AND WOULD PROPOSE THAT THIS SAME PROCEDURE BE FOLLOWED IN VISA CASES IN EVENT AMENDMENT BECOMES LAW.

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